

Notice of Allowability

Application No.

09/634,142

Applicant(s)

SIEGEL, PHILIP I.

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/20/2004 and interview conducted on 02/11/2005.
2. ☒ The allowed claim(s) is/are 1, 3-12, 14-19, 21-25, 27-40 and 42-45, now, re-numbered as claims 1-40.
3. ☒ The drawings filed on 08 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 02/11/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other claims sheet.

DETAILED ACTION
EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Georgann S. Grunebach. on 02/11/2005.

The application has been amended as follows:

Claim 17

(Currently amended) A method of providing a backup program device to a subscriber, the method comprising the steps of:

providing to the subscriber a smart card having a primary processor that decodes a scrambled program signal upon activation by a primary activating signal, and a backup processor that decodes a scrambled program signal upon activation by a backup activating signal; and

transmitting the backup activating signal when the primary activating signal is insufficient to enable decoding of the scrambled program signal; and

wherein the primary processor comprises contacts disposed so as to communicate with the back up program device when the smart card is in a first

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orientation, and the backup processor comprises contacts disposed so as to communicate with the back up program device when the smart card is in a second orientation.

Claim 20

Cancelled.

Claim 21

(Currently amended) The method of claim [20] 17, wherein the smart card further comprises an indication of the first orientation of the smart card.

Claim 23

(Currently amended) A system for providing a program signal to subscribers comprising: a receiver for receiving signals from a program source, wherein the signals include program material, a primary activating signal and a backup activating signal; and a smart card comprising a first processor for decrypting received signals upon activation by the primary activating signal and a second processor for decrypting received signals when the backup activating signal is received by the receiver; and wherein the primary processor is situated so as to communicate with the receiver when the smart card is in a first orientation, and the backup processor is situated so as to communicate with the receiver when the smart card is in a second orientation.

Claim 26

Cancelled.

Claim 27

(Currently amended) The system of claim [26]~~23~~, wherein the smart card further comprises an indication of the first orientation of the card.

Claim 29

(Currently amended) A smart card apparatus, comprising:
a primary processor, for decrypting an encrypted program signal; and
a back up processor, for decrypting the encrypted program signal;
wherein the primary processor is activated by a primary activating signal and the backup processor is activated by a backup activating signal differing from the primary activating signal; and
wherein the primary processor is disposed to communicate with a device when the smart card is in a first orientation, and the backup processor is situated so as to communicate with the device when the smart card is in a second orientation.

Claim 41

Cancelled.

Claim 42

(Currently amended) The apparatus of claim [41]29, further comprising an indication of the first orientation of the smart card.

Claim 43

(Currently amended) The apparatus of claim [41]29, wherein the [electrical] device is an integrated receiver device.

2. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
3. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
4. Claims 2, 13, 20, 26 and 41 have been cancelled.
5. Claims 17, 21, 23, 27, 29, 42 and 43 has been amended.
6. Claims 1, 3-12, 14-19, 21-25, 27-40 and 42-45, now, re-numbered as claims 1-40 are pending.
7. Examiner withdraws rejection of claims 29-45 under 35 U.S.C 112-second paragraphs due to correction by the applicant.

Response to Arguments

8. Applicant's after-final arguments filed on 12/20/2004 and Applicant's interview agreement reached on 02/11/2005 have been considered and they are persuasive.

Allowable Subject Matter

9. Claims 1, 3-12, 14-19, 21-25, 27-40 and 42-45 are allowed.

10. The following is an examiner's statement of reasons for allowance: Wilson (5,742,680 A) disclose a system and method for selecting one of the plurality of simultaneously received encrypted direct broadcast satellite where the top box receiver have a two processor system.

Goldwasser et al (4,926,479) disclose smart card having two processor for interacting with other entity in any general two-party protocol.

However Wilson and Goldwasser's system and method singly or in combination are in contrast with specific steps of applicant's invention where a back up processor, for decrypting the encrypted program signal; wherein the primary processor is activated by a primary activating signal and the backup processor is activated by a backup activating signal differing from the primary activating signal; and wherein the primary processor is disposed to communicate with a device when the smart card is in a first orientation, and the backup processor is situated so as to communicate with the device when the smart card is in a second orientation as recited in independent claims 1, 17, 23 and 29.

11. Dependent claims 3-12, 14-16, 18-19, 21-22, 24-25, 27-28, 30-40 and 42-45 as being dependent upon Independent claims 1, 17, 23 and 29 and having additional allowable features therein.

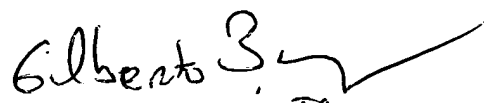
Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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02/11/2005



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